



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/553,395	04/20/2000	Richard R. Reisman	RRR-00-002US	4246

7590 09/05/2002

Westerlund & Powell PC
122 N Alfred Street
Alexandria, VA 22314-3011

EXAMINER

PEYTON, TAMMARA R

ART UNIT	PAPER NUMBER
----------	--------------

2182

DATE MAILED: 09/05/2002

9

Please find below and/or attached an Office communication concerning this application or proceeding.

100

Office Action Summary

Application No.

09/553,395

Applicant(s)

REISMAN, RICHARD R.

Examiner

Tammara R Peyton

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-96 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-96 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) Z. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 21-28, 32-47, 51-66, 70-85, and 89-96 are rejected under 35

U.S.C. 103(a) as being unpatentable over Pettus, US 6,031,977.

2. As per claims 21, 24, 25, 28, 32, 40, 43, 44, 47, 51, 59, 62, 63, 66, 70, 78, 81, 82, 85, and 89, Pettus teaches a software product for use at a user station (Fig.3), the user station including a processor and a storage device, the user software product comprising computer executable instructions that, when executed by the processor:

enable a user at the user station to select content provided by each of a plurality of independent publishers (provided by remote services);

effect transport of the selected content to the user station over a communication network, and without user intervention, effect storage of the transported content to the storage device such that the content is retained on the storage device upon shutting down of the user station and/or deactivation of the software product;

effect presentation of the stored content to the user at the user station with a user interface that is customized to the respective publisher.

3. Pettus teaches a software product that obtains access to a selected remote service by means of a communications directory service. Specifically, the software product offers the user the ability to access a new service for use by an application program already running on the user station. The communication directory service includes shared libraries, which store a service object and network address associated with each available service offered on a communication network. It would have been obvious to one of ordinary skill that shared libraries would come from different publishers. Also, without user intervention, Pettus teaches using an object manifest that implements correct protocols to ensure that the selected remote service is transported and stored in the user station. Further, it would have been obvious to one of ordinary skill in the art at the time of invention that because the software product takes the object-oriented approach, this ensures that user interface will be customized with the respective application program. (Fig. 11, col. 15, lines 19-col. 16, lines 1-40) .

4. As per claims 22, 41, 60, and 79, Pettus teaches effecting a network connection between the user station and the communications network, via a network provider and wherein the plurality of independent publishers for selection are not determined by the network provider. Instead, the selection is determined by what is available on the communication network at the time.

5. As per claims 23, 36, 37, 39, 42, 55, 56, 58, 61, 74, 75, 77, 80, 93, 94, and 96, Pettus does not expressly teach wherein the communication network is the Internet. However, Pettus discloses that such a communication network is well known in the art at the time the invention was made, thereby making use of this particular network obvious. (col. 2) Further, Pettus system does not depend upon a particular network provider, thereby a plurality of network providers could be implemented and not depart from Pettus's overall system.

6. As per claims 26, 27, 45, 46, 64, 65, 83, and 84, the user interface disclosed in Pettus's software product does not depend upon the network provider, and obvious could be determined by any network provider.

7. As per claims 33, 35, 38, 52, 54, 57, 71, 73, 76, 90, 92, and 95, Pettus teaches that it depends on where the remote service is located in order for the selected content not to pass through a gateway.

8. As per claim 34, 36, 37, 39, 53, 72, and 91, Pettus teaches wherein transport of the selected content to the user station over a communication network in accordance with an object manifest (service object), the object manifest including an identification of the selected content (Figs. 12, 13), and a source address for each of the respective publishers (remote service). Pettus also teaches that the object manifest implements

correct protocols to ensure that the selected remote service is received at the user station.

9. Claims 29, 30, 31, 48, 49, 50, 67, 68, 69, 86, 87, and 88, are rejected under 35 U.S.C. 103(a) as being unpatentable over Pettus, US 6,031,977 and Crawford, US 5,771,354.

10. As per claims, 29, 30, 31, 48, 49, 50, 67, 68, 69, 86, 87, and 88, Pettus does not teach wherein the transport of the selected content to the user station is effected automatically and repeatedly according to a schedule. Nevertheless, Crawford teaches a method of a fetch object software product that keeps track of scheduled updates to automatically and repeatedly transports one or more data objects in accordance to a user-modifiable schedule. It would have been obvious to implement Crawford's software product with Pettus. Do so would have added and expanded the flexibility of Pettus's software product. [Crawford, col. 29, lines 1-56, col. 38, lines 19-23 and col. 36, lines 11-17]

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (703) 306-5508. The examiner can normally be reached between 8:00 - 4:30 from Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Gaffin, can be reached on (703) 308-3301. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231.

Faxes for Official/formal communications intended for entry should be sent to:

(703) 746-7238, After Final (703) 746-7239

or, for informal or draft communications, to:

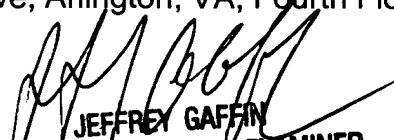
(703) 746-7240 (please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to:

Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor
(Receptionist).

Tammara Peyton

September 3, 2002


JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100